

Appl. No. 10/652,131
Amendment dated January 4, 2006
Reply to Office Action of October 4, 2005

Remarks/Arguments

Claims 1-25 are pending. Claims 1-10 stand rejected on varying grounds under §103(a) and claims 11- 25 are allowed.

Claim 1 has been amended to further clarify the invention.

In view of the comments below, Applicant respectfully requests that the Examiner reconsider the present application including claims 1-10 and withdraw the rejection of these claims.

a) Claims 1-10 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Tani et al (U.S. Patent No. 5,606,160). Applicant is appreciative that the Examiner has now addressed claim 8-10 and has not made the October 4, 2005 Office action final.

Claim 1 is independent in form with claims 2-10 dependent thereon. Claim 1 has been amended to read as follows:

“A method for provisioning a product unit having a non-volatile storage medium, the method comprising:

reading at least a first data item of a pre-configured data image from a first area of the non-volatile storage medium;

converting the at least first data item to form a second data item uniquely associated with the product unit; and

storing the second data item to a second area of the non-volatile storage medium using a first writing mode to control functionality of the product unit.

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The Examiner in the October 4, 2005 Office action with reference to the July 19, 2005 Response, states that "Applicant's arguments filed 7/19/05 have been fully considered but they are not persuasive. Applicant argues that the scanner of Tani is not analogous art with the provisioning scanner as claimed. The examiner respectfully disagrees. Applicant does not give any detail to the specific method of provisioning, therefore the examiner must interpret provisioning in its broadest sense. The examiner interprets provisioning as adding data to a memory. As seen in column 2 lines 6-8, for example, Tani does add data into a memory.

Essentially the Examiner is construing Tani et al's adding data to a memory as the claimed storing the second data... In an effort to avoid even the appearance of undue argumentativeness, Claim 1 has been amended to clearly recite "storing the second data item to a second area of the non-volatile storage medium ... to control functionality of the product unit." Clearly Tani et al's data storage does not control functionality of the product unit, i.e., reading device, that is being provisioned.

Furthermore, Applicant was not able to discern where and thus whether the Examiner in the October 4, 2005 Office action had addressed other arguments advanced by Applicant in the July 19, 2005 Response. One of these arguments noted that Tani et al does not show or suggest as claimed: converting the first data to form second data where the second data is uniquely associated with the product unit that is being provisioned, i.e., so as to control functionality of the product unit. Any serial to parallel conversion of Tani et al does not result in data that is uniquely associated with the reading device, i.e., product unit, of Tani et al.

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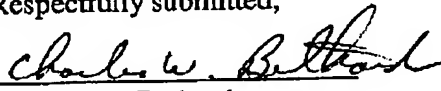
Thus and at least for these reasons (Tani et al does not anticipate uniquely associated data and any storage is not pursuant to controlling functionality of the product unit), Applicant respectfully submits that Tani et al. does not show or suggest the features of claim 1 or at least by virtue of dependency dependent claims 2-10. Therefore, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claims 1-10 under 35 U.S.C. 103(a) based on Tani et al (U.S. Patent No. 5,606,160).

b) Applicant notes with appreciation that Claims 11-25 are allowed. Applicant agrees with the Examiner that these claims are allowable in view of all recited art.

Accordingly, Applicant respectfully submits that the claims, as amended, clearly and patentably distinguish over the cited reference of record and as such are to be deemed allowable. Such allowance is hereby earnestly and respectfully solicited at an early date. If the Examiner has any suggestions or comments or questions, calls are welcomed at the phone number below.

Although it is not anticipated that any fees are due or payable, the Commissioner is hereby authorized to charge any fees that may be required to Deposit Account No. 50-3435.

Respectfully submitted,


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